

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Kumuram Bheem Asifabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the District Collector, Kumuram Bheem Asifabad District vide Procs. Rc.No.C2/1011/2019, dt.29.01.2020 - Appeal filed by Jarpula Vijesh S/o. Sanyasi R/o.Ankoda (Village) of Kagaznagar Mandal of Kumuram Bheem Asifabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.30

Date: 27.11.2020

Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs.Rc.No C2/1011/2019, dt.29.01.2020 of District Collector, Kumuram Bheem Asifabad.
3. Appeal petition filed by Jarpula Vijesh S/o. Sanyasi R/o.Ankoda (Village) of Kagaznagar Mandal of Kumuram Bheem Asifabad District, dated 18.02.2020.
4. Govt.Memo.No.273/TW.LTR/2020, dated 06.06.2020
5. Lr.Rc.No.DOCKBA/C2335/0001/2020,dated:21.06.2020 of the Dist. Collector, Kumuram Bheem Asifabad.
6. Notice No.273/TW.LTR/2020, dt. 28.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local Scheduled Tribes living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Kumuram Bheem Asifabaad vide his orders in the reference 2nd cited, has issued orders in his Procs.Rc.No.C2/1011/2019, dated 29.01.2020 that Jarpula Vijesh S/o Sanyasi R/o Ankoda village of Kagaznagar Mandal of Kumuram Bheem Asifabad District is treated as not a Local ST as per definition and as per procedure laid down in accordance with GO Ms.No.24, TW (LTR.1) Department, dt.12.06.2018, basing on the following recommendations of the Scrutiny Committee:

- Appellant appeared before the Committee on 21.11.2019 and submitted following documents:
 - Khasra Pahani of 1949-50 of Sy.No.102 PP of Ankoda village of Kagaznagar Mandal.
 - Current year pahani issued in the name of Jarpula Hasli Bai W/o Sanyasi (mother of applicant).
 - Family Tree duly signed and notarized.
 - Copy of 1959 voter list.
- Scrutiny Committee has finally concluded with the following findings:
 - Produced current year pahani in the name of Jarpula Hasli Bai W/o Sanyasi (mother of applicant).
 - Family Tree duly signed and notarized not submitted.

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- Copy of 1959 voter list submitted by the applicant is a fabricated / fake document.
- A show cause notice was issued to Jarpula Vijesh S/o Sanyasi R/o Ankoda village of Kagaznagar Mandal of Kumuram Bheem Asifabad district to attend before the District Collector, Kumuram Bheem Asifabad district on 28.01.2020 to prove his claim as Local ST with relevant material/documents.
 - Accordingly, Jarpula Vinod Kumar S/o Somla has attended before the District Collector, Kumuram Bheem Asifabad district on 28.01.2020 and after verification of documents; it is revealed that the records submitted by the appellant is not visible and unauthenticated and the voter list pertains to 1959 is fabricated/ fake.
 - The appellant has not produced any documentary evidence to prove residence in Agency area of his family members/forefathers since 1950. Hence the claim is rejected.

3. Aggrieved by the above cancellation orders of the District Collector, Kumuram Bheem Asifabad district, the Appellant Jarpula Vijesh S/o Sanyasi R/o Ankoda village of Kagaznagar Mandal of Kumuram Bheem Asifabad district vide ref. 3rd read above, has filed an Appeal before the Government under GO Ms.No.24, dt.12.6.2018, praying to set aside orders of the District Collector, Adilabad and allow the Appeal Petition and do justice. The contentions of Jarpula Vijesh S/o Sanyasi and the following documents have been submitted along with the Appeal and also during hearing on 5.9.2020:

- He has been selected for the post of Secondary Grade Teacher (SGT) against ST Local vacancy in Adilabad Agency Area.
- DLSC Kumuram Bheem Asifabad informed that he is not genuine.
- Therefore, he is submitting herewith all the evidentiary documents from 1950 to 2020 with a request to re-verify and consider his appeal.

Documents submitted along with the Appeal and also during hearing on 5.9.2020:

- Family Tree certified by the Tahsildar, Kaghaznagar Mandal, Dist. KB Asifabad bearing Rc.No.C/1200/2019, dt.17.12.2019 basing on the certification made by the VRO Kaghaznagar and MRI-II Kaghaznagar in respect of the family of Sri Jharpula Vinod Kumar S/o Jarupula Somla R/o Ankoda village.

As per family tree – Jarupula Vachya Banjara (great great grandfather of appellant). He has two sons viz., 1) Jarupula Saravan Banjara and 2) Jarupula Champla Banjara (great grandfather of appellant). Jarupula Champla Banjara has four sons viz., 1) Jarupula Pandya Banjara 2) Jarupula Chinna Venkya 3) Jarupula Kasinya (grandfather of appellant) and 4) Jarupula Jithu. Jarupula Kasinya (grandfather of appellant) has 2 sons viz., 1) Jarupula Sanyasi (father of appellant) and 2) Jarupula Somla. Jarupula Sanyasi has 3 sons viz., 1) Jarupula Vasram (elder brother of appellant) and 2) Jarpula Vijesh (appellant herein).

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- Copy of another affidavit duly notarized dt.7.2.2020 reiterating the same family tree.
- Translated copy of Faisal Patti for the village Ankoda, Taluka: Sirpur-T of erstwhile Adilabad District for the year 1950 showing name of Pandya Banjara (i.e. eldest brother of grandfather of appellant namely Jarupula Kasinya) for an extent of Acs.0.10 in Sy.No.102 (Poramboke) and LR Assessment 0.25.
- Copy of pahani for the year 1949-50 of Anukoda village certified by Deputy Tahsildar, Sirpur-T Mandal and translated by K.Raja Rao, Ex-Patwari, Narnoor Mandal (expert in Modi language reading and translation) – wherein name of Pandya Banjara (i.e. eldest brother of grandfather of appellant namely Jarupula Kasinya) was shown in Sy.No.17.
- Copy of khasra pahani for the year 1954-55 of Anukoda village showing name of China Venkya S/o Champla i.e. elder brother of his grandfather Kasinya.
- Copy of pahani for the year 1962-63 of Anukoda village certified by Deputy Tahsildar, Sirpur-T Mandal – wherein name of Jarupula Kasinya (grandfather of appellant) was shown in Sy.No.102.
- Copy of pahani for the year 1969-1970 of Anukoda village certified by Deputy Tahsildar, Sirpur-T Mandal - wherein name of Kasinya (grandfather of appellant) was shown in Sy.No.102 for an extent of 0.16 gts.
- Copy of pahani for the year 1977-78 of Anukoda village certified by Deputy Tahsildar, Kagaznagar – wherein name of Kasinya Banjara (grandfather of appellant) was shown for an extent of Ac.0.40 gts in Sy.No.102 PP.
- Copy of pahani for the year 1979-80 of Anukoda village showing name of Kasinya Banjara (grandfather of appellant) in Sy.No.102/57 for an extent of Ac.0.40 gts.
- Copy of pahani for the year 1983-84 of Anukoda village showing name of Kasinya Banjara (grandfather of appellant) in Sy.No.102/57 for an extent of Ac.0.40 gts.
- Copy of pahani for the year 1989-90 of Ankoda village showing name of Kasinya Banjara (grandfather of appellant) in Sy.No.102/57 for an extent of Ac.0.40 gts.
- Copy of pahani for the year 1993-94 of Ankoda village showing name of Kasinya Banjara (grandfather of appellant) in Sy.No.102/57 for an extent of Ac.0.40 gts.
- Copy of pahani for the year 1996-97 of Ankoda village showing name of Kasinya Banjara (grandfather of appellant) in Sy.No.102/57 for an extent of Ac.0.40 gts.
- Copy of pahani for the year 1998-99 of Ankoda village showing name of Kasinya Banjara (grandfather of appellant) in Sy.No.102/57 for an extent of Ac.0.40 gts.
- Copy of Death Certificate issued by Panchayat Secretary, GP Gannaram, Kaghaznagar-M vide L.D.C.No.Gpt/67/2005 issued on 1.10.2005 – wherein it was certified that Sri Jarupula Sanyasi (i.e. father of appellant) was expired on 11.09.2005 at Ankoda village.

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- Copy of PPB bearing No.T16060200128 – Khata No.47 – issued by Tahsildar, Kaghaznagar to Smt.Jarpula Haslibai W/o Sanyasi (mother of appellant) showing an extent of Acs.0.12 in Sy.Nos.102/72 and Acs.1.30 in Sy.No.102/64 in Ankoda village
- Copy of Electoral roll for the year 1959 of Sirpur Constituency (verified with original attested by Deputy Tahsildar, Anukhoda village under Revenue Firka/Circle: Kagaznagar of Adilabad District - Sl.No.90 shows name of Kasinya S/o Champla (grandfather of appellant) under H.No.35.
- Copy of Voter list for the year 1977, Ankoda village, Sirpur Taluq, Part No.125 – shows names of Jarpula Kasinya S/o Champla at Sl.No.208, Jarpula Buti W/o Kasinya at Sl.No.209 under H.No.1-107 (grandfather and grandmother of appellant)
- Copy of voter list for the year 1988, Ankoda village, Sirpur Taluq – Polling Station No.71 – Kasinya Naik S/o Champla (grandfather of appellant) at Sl.No.197, Bantibai W/o Kasiniyanaik (grandmother of appellant) at Sl.No.198 under H.No.1-71, and Sanyasinaik S/o Kasiniyanaik (father of appellant) at Sl.No.200, Hamslibai W/o Sanyasinaik (mother of appellant) under H.No.1-72.
- Copy of Voter list for the year 2009 – Ankoda village: Part No.13 – Jarpula Buttibai W/o Kasinyanaik (grandmother of appellant) at Sl.No.272.
- Copy of report dt.20.04.2018 of MRI-II Kagaznagar Mandal submitted to Tahsildar, Kagaznagar.
- Copy of panchanama conducted by MRI II on 20.04.2018 – wherein the panchas stated that Sri Jarpula Vijesh (i.e. appellant), his father and forefathers have been continuously residing in Anukoda village since 26.1.1950 and not migrated to any other village.
- The family tree drawn by the MRI II during panchanama dt.20.4.2018 corroborates with the Family Tree submitted by the appellant.
- Copy of check memo for verification of genuineness of Local ST certificate signed by Tahsildar, Kaghaznagar Mandal, Dist. KB Asifabad– certified that the certificate No.C/254/2018, dt.10.05.2018 issued to the appellant Sri Jarpula Vijesh S/o Sanyasi R/o Ankhoda village is genuine.
- Agency Area Local ST Certificate as prescribed in GO Ms.No.24, TW (LTR) Dept. dt.12.06.2018 has been issued by the Tahsildar, Kaghaznagar Mandal bearing Rc.No.C/369/2019, dt.25.4.2019 – wherein it has been certified that Sri Jarupula Vijesh S/o of Jarupula Sanyasi belongs to ST Lambada (28) community and himself and his parents/grandparents have been continuously residing in Ankoda village since 26.1.1950, which is a notified village.

4. Vide reference 4th read above the District Collector, Kumuram Bheem Asifabad has been requested to submit connected documents pertains into the case along with Parawise Remarks.

5. Accordingly, vide reference 5th read above the District Collector, Kumuram Bheem Asifabad has submitted the connected documents of the case along with Para wise Remarks.

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6. Vide reference 6th read above a Notice has been issued to the appellant to attend for hearing on 05.09.2020 before the Government to prove her claim along with documentary evidences. Accordingly the Appellant Sri Jarpula Vijesh S/o Sanyasi has attended for hearing on 5.09.2020. and produced supportive documents as submitted along with Appeal Petition.

7. The Government have verified the connected documents sent by the District Collector, Kumuram Bheem Asifabad.

8. The District Collector, Kumuram Bheem Asifabad has cancelled the Agency Area Local ST Certificate of the appellant mainly on the following grounds:

Ground for cancellation	Observation
Produced current year pahani in the name of Jarpula Hasli Bai W/o Sanyasi (mother of applicant).	No adverse finding made by the Scrutiny Committee on this.
Family Tree duly signed and notarized not submitted.	<p>On perusal of para 1 of page 2 of District collector's proceedings, the committee has stated that the applicant Jarpula Vijesh has attended before the committee on 21.11.2019 and submitted Family tree duly signed and notarized (as at Sl.No.3 of the Procs.of the Dist. Collector) and in the findings of the scrutiny committee, it was stated that the Family tree duly signed and notarized not submitted.</p> <p>As seen from the record, the Tahsildar, Kaghaznagar Mandal has certified the Family Tree in Rc.No.C/1200/2019, dt.17.12.2019 which is quite sufficient as it was clearly mentioned in it that the same was issued basing on the certification made by the VRO kaghaznagar and MRI-II Kagaznagar.</p> <p>Further, the MRI-II during his field enquiry on 20.4.2018 has also drawn the Family Tree in the presence of village elders under a cover of panchanama.</p>

	<p>The appellant has submitted another Notarized Affidavit dt.07.02.2020.</p> <p>The details of names mentioned in all the (3) Family Trees are corroborating with each other.</p>
<p>Copy of 1959 voter list submitted by the applicant is a fabricated / fake document.</p>	<p>The voter list appears of 1959 only and there is no evidence/substantiation that it is a fabricated/fake document. However, all the land documents, other voter lists, certificates, panchanamas conducted by the revenue authorities in Anukoda village establish the fact that the appellant and his fore-fathers have been continuously residing in Anukoda village of Kagaznagar Mandal from before 1950.</p>

9. Government after careful examination of the documents available on record sent by the District Collector, Kumuram Bheem Asifabad, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the Appellant Jarpula Vijesh S/o Sanyasi R/o Ankoda village of Kagaznagar Mandal of Kumuram Bheem Asifabad district and his forefathers are found continuous residents of Ankoda, an agency village in Kagaznagar Mandal of Kumuram Bheem Asifabad District since 26.1.1950 and the Agency Area Local ST Certificate bearing Rc.No.C/369/2019, dt.25.04.2019 issued by the Tahsildar, Kagaznagar Mandal as prescribed under GO Ms.No.24, dt.12.06.2018, is a genuine one and valid.

10. Accordingly, Government hereby set aside orders of the District Collector, Kumuram Bheem Asifabad district issued vide Procs. Rc.No.C2/1011/2019, dated 29.01.2020. The Appeal filed by Jarpula Vijesh S/o late Sanyasi R/o Ankoda village of Kagaznagar Mandal, Kumuram Bheem Asifabad District is allowed.

11. The District Collector, Kumuram Bheem Asifabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT

To

The District Collector, Kumuram Bheem Asifabad District.

Jarpula Vijesh S/o late Sanyasi R/o Ankoda village of Kagaznagar
Mandal, Kumuram Bheem Asifabad District.

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Copy to:

1. The Secretary, Telangana State Public Service Commission,
Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor,
Adilabad District (for information & necessary action)
3. The District Educational Officer,
Adilabad District (for information & necessary action)
4. The District Educational Officer,
Kumuram Bheem Asifabad (for information & necessary action)
5. The PS to Hon'ble Minister for ST Welfare for information.
6. The PS to Secretary (TW)
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER